

REMARKS

Claims 8, 10, 11, and 14-26 are pending. Claims 9, 12, and 13 have been cancelled in this Response. Reconsideration and allowance are respectfully requested in light of the above amendments and following remarks.

Rejections under 35 U.S.C. §§102 and 103

Claims 8, 10, 14, 15, 17, 18, 19, 23, 25, and 26 stand rejected under 35 U.S.C. §102(b) in view of U.S. Patent No. 4,181,050 by Stroobants et al. ("Stroobants"), and Claims 11, 16, and 20-22 stand rejected under 35 U.S.C. §103(a) in view of Stroobants. Insofar as they may be applied against the Claims, these rejections have been overcome.

With respect to Claims 8 and 9, as originally filed, Claims 8 and 9 were identical to Claims 8 and 9, respectively, of U.S. Patent No. 6,748,835 by Dickey ("Dickey"). Dickey is the parent application to this Application, and Applicant would like to bring to the Examiner's attention that Claims 8 and 9 of Dickey were allowed in view of Stroobants. However, Applicant recognizes that the submission of identical claims was an error. Applicant has now amended Claims 8 and cancelled Claim 9 to correct this error.

Furthermore, with respect to Claim 18, as originally filed, the Examiner in his of Notice of Allowance for Dickey stated that the following were the reasons for allowance over Stroobants and other cited references:

The following is an examiner's statement of reasons for allowance: The prior art fails to disclose and/or make obvious a container trimming apparatus having a first and second blade mounted on separate shafts; an adjustment mechanism to adjust a gap between the first and second blades; wherein adjustment of the gap is in a direction perpendicular to the direction of movement between an open position and closed position and a motion translator to translate the motion of the second blade between the open and closed positions with substantially no motion in the direction of the gap..

In light of the Examiner's previous comments, Applicant respectfully asserts that the subject matter of Claim 18, as originally filed, was allowable.

Additionally, rejected independent Claim 8, as now amended, recites one of the distinguishing characteristics of the present invention, namely, "an adjustment mechanism to adjust a gap between the blades *through axial motion of at least one of the rotatable shafts.*" (Emphasis added.) Also, rejected independent Claim 17 as now amended more particularly recites one of the distinguishing characteristics of the present invention, namely, "means for adjusting a gap between the first and second blade through axial motion of at least one of the first and second shafts." Support for these Amendments can be found, among other places, on page 25, line 25, to page 16, line 2, of the original Application.

Stroobants shows a rocker arm (198), and not an adjuster or means for adjusting as claimed. Specifically, in Col. 6, line 50, to Col. 7, line 20, Stroobants describes the rocker arm (198) closing the gap or pivoting. The rocker arm (198), though, "swings" into position by rotating in a plane that is substantially parallel to the planes of the cutting blades. Effectively, the rocker arm (198) is used to engage the can so as to trim it. The inventions of Claims 8 and 17 do this as well, but as described, the inventions of Claims 8 and 17 include a gap that exists prior to engagement of the

can. This gap is adjusted by axial motion of one of the shafts upon which a blade is mounted. This type of adjustment allows for adjustment of the trimming apparatus after installation to allow for “fine tuning” or adjustments to its performance. Stroobants does not provide such a feature nor does it provide such a benefit. Accordingly, Applicant respectfully requests that the rejections of Claim 8 and 17 under 35 U.S.C. §102(b) in view of Stroobants be withdrawn and that Claims 8 and 17 be allowed.

Claims 10, 11, 14-16, 18-23, 25, and 26 depend on and further limit one of Claims 8 and 17. Hence, for at least the aforementioned reasons, these Claims would be deemed to be in condition for allowance. Applicant(s) respectfully request(s) that the rejection(s) of the dependent Claims 10, 11, 14-16, 18-23, 25, and 26 also be withdrawn.

Conclusion

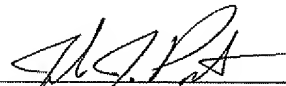
Applicant has now made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 8, 10, 11, and 14-26.

Applicant does not believe that any fees are due; however, in the event that any fees are due, the Commissioner is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account 50-2180 of Storm LLP.

Should the Examiner require any further clarification to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

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